

NOT FOR PUBLICATION

SEP 19 2006

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

CHRISTOPHER SHAWN JOHNSON,
also known as Senior US Constable,

Plaintiff - Appellant,

v.

SHERYL ALBERT; et al.,

Defendants - Appellees.

No. 05-36134

D.C. No. CV-05-01762-TSZ

MEMORANDUM^{*}

Appeal from the United States District Court
for the Western District of Washington
Thomas S. Zilly, District Judge, Presiding

Submitted September 11, 2006^{**}

Before: PREGERSON, T.G. NELSON, and GRABER, Circuit Judges.

Christopher Shawn Johnson, a Washington state prisoner, appeals pro se from the district court's order denying his request to proceed in forma pauperis

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

(“IFP”) in his 42 U.S.C. § 1983 action on the ground that he had accrued “three strikes” under 28 U.S.C. § 1915(g). We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo a district court’s interpretation of section 1915(g) and related legal conclusions, *Andrews v. King*, 398 F.3d 1113, 1118 (9th Cir. 2005), and we affirm.

The district court properly denied Johnson leave to proceed IFP because at the time he sought IFP status, he had filed three prior actions that qualified as “strikes,” and he failed to show he was in imminent danger of serious physical harm. *See* 28 U.S.C. § 1915(g); *Tierney v. Kupers*, 128 F.3d 1310, 1311-12 (9th Cir. 1997).

Johnson’s remaining contentions are unpersuasive.

AFFIRMED.